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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,272	08/01/2001	Howard W. Fingerhut	36968/206010	5345
7590	12/29/2005			
SCOTT P. ZIMMERMAN P.O. BOX 3822 CARY, NC 27519			EXAMINER LY, NGHI H	
			ART UNIT 2686	PAPER NUMBER
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/921,272	<b>Applicant(s)</b> FINGERHUT ET AL.	
	<b>Examiner</b> Nghi H. Ly	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 8 is objected to because of the following informalities: **Claim 8, line 11**, the words "*switching the wireless device*" should be changed to "*switching at the wireless device*". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2, 8 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and Fulton (US

Art Unit: 2686

6,393,298) and further in view of Fletcher et al (US 5,521,961) and Sarkar et al (US 6,587,446).

Regarding claims 8 and 49, Tsukagoshi teaches a method for transmitting data to selected wireless devices in a wireless network without assignment of a unique network address (see column 2, lines 3-14), respectively, to each of the wireless devices (see column 2, lines 3-14), the method comprising: provisioning a wireless device with at least a hardware serial number (HSN) (column 4, lines 21-42, see "unique identifier" or "subscriber number") and generic access numbers (GANs) (column 4, lines 21-42, see "temporary identifier"), registering with a service provider by selecting a GAN and transmitting the GAN as well as the HSN to the service provider, receiving a broadcast access number (BAN) (see column 4, lines 50-55) and an identification of a radio channel at the wireless devices (see column 4, lines 21-42), receiving a broadcast over the radio channel with the broadcast including data directed to the wireless device and associates with the BAN (see column 4, lines 21-42), and using the BAN to access the data directed to the wireless device and associate with the BAN from the broadcast made over the radio channel (column 7, lines 55-58 and column 9, lines 30-34, see "access") and the wireless device receives a registration response (column 4, lines 50-63, see "registration" and "request").

Tsukagoshi does not specifically disclose causing the wireless device to use the identification of the radio channel to monitor the radio channel.

Illidge teaches the wireless device receives a registration response comprising multiple identifications of multiple radio channels (see column 1, lines 9-17, column 2,

Art Unit: 2686

lines 26-39 and see fig.2) and causing the wireless device to use the identification of the radio channel to monitor the radio channel (see column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

The combination of Tsukagoshi and Illidge does not specifically disclose multiple generic access numbers (GANs), registering with a service provider by selecting a GAN and transmitting the GAN as well as the HSN to the service provider.

Fulton teaches multiple generic access numbers (GANs) (see column 5, lines 34-46, Fulton teaches "randomly selects", the teaching of Fulton inherently teaches "multiple generic access numbers" as claimed), registering with a service provider by randomly selecting a GAN and transmitting the GAN as well as the HSN to the service provider (column 5, lines 34-46, see "random" or "randomly").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fulton into the system of Tsukagoshi and Illidge in order to provide a system in which MINs are reused efficiently in a cellular or wireless application environment (see Fulton, column 1, lines 12-16).

The combination of Tsukagoshi, Illidge and Fulton does not specifically disclose the wireless device switching to each radio channel and measuring a signal strength of each radio channel.

Art Unit: 2686

Fletcher teaches the wireless device switching to each radio channel and measuring a signal strength of each radio channel (see column 2, lines 5-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fletcher into the system of Tsukagoshi, Illidge and Fulton in order to tune to the strongest forward control signal (see Fletcher, column 2, lines 5-10).

The combination of Tsukagoshi, Illidge, Fulton and Fletcher does not specifically disclose the wireless device then sending a final request including the signal strength of each radio channel.

Sarkar teaches the wireless device then sending a final request including the signal strength of each radio channel (see column 8, lines 15-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sarkar into the system of Tsukagoshi, Illidge, Fulton and Fletcher in order to provide a method and apparatus for minimizing search excursion time to a target frequency (see Sarkar, column 2, lines 33-36).

Regarding claim 2, Tsukagoshi, Fletcher, Sarkar as modified by Fulton teaches receiving the BAN and identification of the radio channel at another wireless device having information needs in common with the wireless device, and to use the BAN to access the data the broadcast made over the radio channel (see Tsukagoshi, column 4, lines 21-42, see "unique identifier" or "subscriber number").

Tsukagoshi, Fletcher, Sarkar as modified by Fulton does not specifically disclose causing another wireless device (see fig.1, devices 10, 12 and 16) to use the identification of the radio channel to monitor the radio channel

Illidge teaches causing another wireless device (see fig.1, devices 10, 12 and 16) to use the identification of the radio channel to monitor the radio channel (see column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi, Fletcher, Sarkar and Fulton in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298), Fletcher et al (US 5,521,961), Sarkar et al (US 6,587,446) and Zicker (US 5,465,388).

Regarding claim 3, Tsukagoshi, Fletcher, Sarkar as modified by Fulton teaches a method for transmitting data to selected wireless devices in a wireless network without assignment of a unique network address (see Tsukagoshi, column 2, lines 3-14). Tsukagoshi, Fletcher, Sarkar as modified by Fulton does not specifically disclose in response to accessing the data causing the wireless device to determine whether the data comprises a broadcast message.

Illidge teaches in response to accessing the data causing the wireless device to determine whether the data comprises a broadcast message (see column 1, lines 35-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi, Fulton, Fletcher, Sarkar and Fulton in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

The combination of Tsukagoshi, Fletcher, Sarkar, Fulton and Illidge does not specifically disclose the data comprises a broadcast message by inspecting a structure of the data for a zero value in a data field for the HSN, indicating the broadcast message.

Zicker teaches the data comprises a broadcast message by inspecting a structure of the data for a zero value in a data field for the HSN, indicating the broadcast message (see column 9, lines 45-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zicker into the system of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton in order to improve emergency cellular radiotelephone (see Zicker, column 2, lines 35-38).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of



Art Unit: 2686

Fulton (US 6,393,298), Fletcher et al (US 5,521,961), Sarkar et al (US 6,587,446), Zicker (US 5,465,388) and Makino (US 4,856,083).

Regarding claim 4, the combination of Tsukagoshi, Illidge, Fletcher, Sarkar, Fulton and Zicker teaches claim 3. The combination of combination of Tsukagoshi, Fletcher, Sarkar, Fulton and Zicker does not specifically disclose the wireless device determines the data comprises the broadcast message by determining the data comprising serial number field containing zero.

Makino teaches the wireless device determines the data comprises the broadcast message by determining the data comprising serial number field containing zero (see column 3, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Makino into the system of Tsukagoshi, Illidge, Fletcher, Sarkar, Fulton and Zicker in order to prevent from turning to different radio channels without the need for a control channel (see Makino, Abstract).

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298), Fletcher et al (US 5,521,961), Sarkar et al (US 6,587,446) and Pinault (US 6,741,872).

Regarding claim 5, the combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton teaches 1. The combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton

Art Unit: 2686

does not specifically disclose in response to accessing the data, causing the wireless device to determine whether the data comprises a point-to-point message for the wireless device.

Pinault teaches in response to accessing the data, causing the wireless device to determine whether the data comprises a point-to-point message for the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton in order to provide a method of authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

Regarding claim 6, the combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton teaches 1. The combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton does not specifically disclose the wireless device determines the data comprises the point-to-point message by determining the data comprise a serial number field value matching the serial number of the wireless device.

Pinault teaches the wireless device determines the data comprises the point-to-point message by determining the data comprise a serial number field value matching the serial number of the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton in order to provide a method of

Art Unit: 2686

authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

Regarding claim 7, the combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton teaches 1. The combination of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton does not specifically disclose the wireless device determines the data does not comprise the point-to-point message by determining the data comprising a serial number field that fails to match the serial number of the wireless device.

Pinault teaches the wireless device determines the data does not comprise the point-to-point message by determining the data comprising a serial number field that fails to match the serial number of the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Illidge, Fletcher, Sarkar and Fulton in order to provide a method of authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2-8 and 49 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

*NHL*  
*12/26/05*

*Marsha D Banks-Harold*

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